

POLICE, FIRE & SAFETY LIAISON BRIEFING

705 W. University Avenue, Ted Ardoin City-Parish Council Auditorium

Tuesday, March 29, 2005

5:30 pm. Immediately following the Community Development Liaison Briefing

COUNCIL MEMBERS: *Present:* Marc Mouton - Chair (District 7); Dale Bourgeois (District 2); Chris Williams (District 3); Louis Benjamin (District 4); Lenwood Broussard (District 5); Bruce Conque (District 6); Rob Stevenson (District 8).

Absent: Bobby Badeaux (District 1); Randy Menard (District 9)

ADMINISTRATION: *Present* - L. J. Durel, Jr. (City-Parish President); Pat Ottinger (City-Parish Attorney); Randy Hundley (Police Chief)

COUNCIL STAFF: Norma Dugas, Clerk of the Council; Sally Angers, Administrative Assistant.

(TAPE 1)(SIDE A)(566) Agenda Item No. 1: Call to order.

(TAPE 1)(SIDE A)(571) Agenda Item No. 3: Discuss an ordinance amending Chapter 6 of the Lafayette City-Parish Government Code of Ordinances to establish revised regulations for the sale, handling, and consumption of alcoholic beverages in the City of Lafayette and the unincorporated areas of the Parish of Lafayette.

Mouton called on Tim Melancon, Alcohol & Noise Control Manager, to briefly go over the recommended amendments to the Alcohol Ordinance.

Melancon stated that the intent is to address issues in the alcohol code that need to be clarified. He then presented a Power Point presentation outlining some of the recommended changes and informed the Council that all of the additions/changes/deletions are underlined and/or crossed out in the document that they have before them. Melancon then proceeded to review some of the definition changes.

Section 6-1 - Definitions (added, removed and changed)

1. *Collector* - removed.
2. *Commercial Enterprise* - removed
3. *Director* - defined as the CAO of the City and the Sheriff for the unincorporated area.
4. *Establishment* - modified to include the consumption of alcohol. (To address the BYOB establishments in the area).
5. *Exotic* - removed and redefined in Section 6-221 as it relates to the permitting of this type of activity.
6. *Handle* - modified to include the term "to hold for consumption by others".
7. *Malt beverages* - removed.
8. *Minor* - need to have more discussion on. The old city code meant any person under the age of 18 and when the consolidated government codified the city and parish ordinances into one document the definition was changed to 21. It is unclear what age you can enter a business where alcohol is the primary consumption.
9. *Nude condition* - added the word simulated or actual.
10. *Permit* - was added and defined.
11. *Premises* - new definition added for clarification.
12. *Wholesale dealer* - added words and/or low alcoholic content.

(TAPE 2)(SIDE A)(001) Melancon stated that this is being presented to the Council for them to review in order to be considered for adoption within the next couple of months. He suggested that the ordinance be voted on as a whole in lieu of voting on each change separately.

Upon questioning by Williams, Melancon said this ordinance would affect all of the City of Lafayette and all of the unincorporated areas of the Parish.

Upon questioning by Conque, Melancon stated that at this time, the Sheriff will administer the unincorporated areas of the Parish and he assumes Dee Stanley, CAO, will designate he & his department as the administrator within the City limits. He added that he will speak with the Sheriff again about authorizing his department to administer this ordinance in all areas of the Parish. Melancon also said that there are criminal penalties and administrative penalties for

violations of the code. City Court would handle any violation within the city limits and District Court would handle violations from the unincorporated areas.

Conque requested that consideration be given to make the point system for violations equal in Section 6-11 as it pertains to (1) High Violent Crime Activity; (2) Drug Related Activity, (3) Prostitution Related Activity and (4) Nudity Related Activity. He also requested that the definition of "Nude condition" be more specific to include the definition of "semi-nude".

Conque asked Melancon to provide the Council with the latest version of the proposed ordinance.

Upon questioning by Bourgeois, Melancon stated that this ordinance does not reflect any provisions for open containers on public streets because this is covered under a different ordinance. The State is the authority that issues restaurant permits and 51% of the business has to be non-alcohol beverage sales. The State is also the governing agent that audits establishments to determine if they are in compliance with the percentages. Melancon stated that an audit can be requested on any business.

Upon further questioning by Bourgeois, Melancon acknowledged that there is a provision to allow for temporary permitting for exotic dancers.

Upon questioning by Benjamin, Melancon stated that the State validates if an establishment qualifies for a restaurant permit and said it would be up to the State to change the percentage of non-alcoholic sales to 55% as requested by Benjamin.

Benjamin said he would like Melancon's Department to monitor the establishments to validate the percentages of sales to qualify as a restaurant. He suggested that an amendment be included in the ordinance to provide that a restaurant has to have sales of 55% in order to qualify as a restaurant.

Melancon informed the Council that he does not have the staff to take on this additional responsibility.

(TAPE 2)(SIDE A)(420) Conque said there needs to be a cooperative effort for departments to work together in helping to enforce the LCG ordinances and requested a plan of action.

Benjamin asked Melancon to determine what it would take in additional staff to enforce the alcohol and noise ordinances.

Broussard stated that he will not vote to create a new department or hire additional staff unless it is proven that it is really needed.

Mouton asked the Councilmembers to submit their suggested changes to Tim Melancon through City Attorney Pat Ottinger.

COMMENTS FROM THE PUBLIC

(TAPE 2)(SIDE A)(560) AGENDA ITEM 4: Comments from the public regarding the above item. *No comments were made.*

(TAPE 2)(SIDE A)(562) Their being no further business to come before the Police, Fire & Safety Liaison Briefing, Chair Mouton declared the briefing adjourned.

NORMA A. DUGAS, CLERK
LAFAYETTE CITY-PARISH COUNCIL